

11-03-08

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PTO/SB/21 (09-08)

Approved for use through 10/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/576,645

Filing Date November 4, 2004

First Named Inventor Friedrich Stolte

Art Unit 3644

Examiner Name

Attorney Docket Number 10034.542

ENCLOSURES (Check all that apply)

| | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | PTO/SB 08a (2pp); PTO/SB 08b (1p); and 13 documents |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES THAT MAY BE REQUIRED WITH RESPECT TO THIS COMMUNICATION, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 50-2911. | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|------------------|----------|-------|
| Firm Name | SMITH LAW OFFICE | | |
| Signature | | | |
| Printed name | Jeffrey W. Smith | | |
| Date | October 31, 2008 | Reg. No. | 33455 |

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application Number

10/576,645

Filing Date

November 4, 2004

First Named Inventor

Friedrich Stolte

Art Unit

3644

Examiner Name

Attorney Docket Number

10034.542

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

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Fee Attached

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Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

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Extension of Time Request

☐

Express Abandonment Request

☒

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):PTO/SB 08a (2pp); PTO/SB 08b (1p); and
13 documents

Remarks

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES
THAT MAY BE REQUIRED WITH RESPECT TO THIS COMMUNICATION, OR CREDIT ANY
OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 50-2911.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

SMITH LAW OFFICE

Signature

Printed name

Jeffrey W. Smith

Date

October 31, 2008

Reg. No.

33455

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



EXPRESS MAIL LETTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stolte et al.
Filing Date: March 9, 2007
Application No.: 10/576,645
For: DEVICE AND METHOD FOR AUTOMATICALLY STARTING A MILKING PROCESS
Docket No.: 10034.542
Express Mail No.: EM263573487US
Date of Deposit: October 31, 2008

I hereby certify that these attached documents .

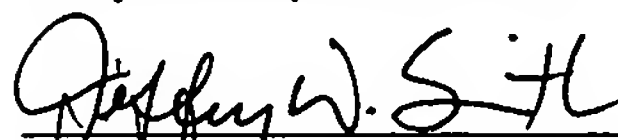
- Response postcard
- PTO/SB 21 (1p) and 1 copy
- Information Disclosure Statement (4pp); PTO/SB 08a (2pp); PTO/SB 08b (1p) and 13 documents

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 35 C.F.R. §1.10 on the date indicated above and is addressed to *Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450*


(Jeffrey W. Smith, Reg. No. 33455)

Enclosed for filing please find the above-referenced documents. Please indicate receipt of these documents by returning the attached postcard with the official Patent and Trademark Office receipt stamped thereon.

Respectfully submitted,


Jeffrey W. Smith, Reg. No. 33455
Attorney for Applicant
SMITH LAW OFFICE
8000 Excelsior Drive, Suite 301
Madison, WI 53717
(608) 824-8300



PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant: Stolte et al.

Docket No.: 10034.542

Date: October 31, 2008

Application No.: 10/576,645

Int'l Filing Date: November 4, 2004

Art Unit: 3644

Examiner:

For: DEVICE AND METHOD FOR AUTOMATICALLY STARTING A MILKING
PROCESS

Certificate of Mailing

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Express Mail in an envelope addressed
to: Mail Stop Amendment,
Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450

On October 31, 2008

Signature Jeffrey W. Smith

Jeffrey W. Smith, Reg. No. 33455
Name of Applicant, assignee or
Registered Representative

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that this Information Disclosure Statement be considered because it has
been filed within the following time period:

37 C.F.R. §1.97(b)

_____ Within three months of the filing date of a national application other than
a continued prosecution application under §1.53(d);

_____ Within three months of the date of entry of the national stage as set forth in
§1.491 in an international application;

 x Before the mailing of a first Office Action on the merits;

_____ Before the mailing of a first Office Action after the filing of a request
for continued examination under §1.114;

Applicant: Stolte et al.
Application No.: 10/576,645

37 C.F.R. §1.97(c)(d)

_____ Before the mailing of any of a final action under §1.113;

_____ Before a notice of allowance under §1.311;

_____ An action that otherwise closes prosecution in the application; or

_____ Filed on or before payment of the issue fee

And is accompanied by a:

Statement specified in §1.97(e):

_____ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

_____ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

_____ The fee set forth in §1.17(p).

Applicant: Stolte et al.
Application No.: 10/576,645

In accordance with 37 C.F.R. §1.56, Applicants call the attention of the Examiner to the following documents:

United States Patents

| <u>U.S. Patent No.</u> | <u>Patentee</u> | <u>Issue/Publication Date</u> |
|------------------------|-----------------|-------------------------------|
| 3,861,355 | Johnson et al. | 01-21-1975 |
| 6,860,227 | Bücker | 03-01-2005 |

Foreign Patent Documents

| <u>Patent No.</u> | <u>Patentee</u> | <u>Issue/Publication Date</u> |
|-------------------|------------------|-------------------------------|
| DE 25 54 998 A1 | Kummer | 06-16-1976 |
| DE 25 54 998 C2 | Kummer | 11-04-1982 |
| DE 30 44 445 A1 | Bothur et al. | 09-17-1981 |
| DE 33 42 972 A1 | Billhardt et al. | 06-05-1985 |
| DE 44 38 236 C1 | Bücker | 11-02-1995 |
| DE 87 07 855 U1 | Mertens | 10-01-1987 |
| DE 100 30 408 A1 | Bücker | 02-07-2002 |
| GB 1 481 674 | Kummer | 08-03-1977 |

Other Documents

English language Abstract, Translated Description and Claims of DE 33 42 972 A1, European Patent Office's esp@cenet.com database, 3pp.

English language Abstract, Translated Description and Claims of DE 44 38 236 C1, European Patent Office's esp@cenet.com database, 3pp.

English language Translated Description and Claims of DE 87 07 855 U1, European Patent Office's esp@cenet.com database, 2pp.

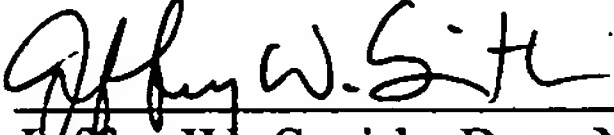
Please note that the "Translated Description and Claims" referenced above are downloaded from the European Patent Office's esp@cenet.com database, and are not translations obtained or certified by Applicants. The European Patent Office site indicates that the translations are made automatically by WorldLingo Translations.

Applicant: Stolte et al.
Application No.: 10/576,645

Copies of these documents are submitted herewith along with Form PTO/SB 08a and PTO/SB 08b.

Applicants respectfully request that these documents be expressly considered during the prosecution of this application and made of record herein and appear among the "documents cited" on any patent to issue herefrom.

Respectfully submitted,



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